

United States District Court
For The Southern District of Ohio

Eastern Division

FILED
RICHARD W. HAGEM
CLERK OF COURT

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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

TERRY TYRONE PULLEN Jr.
Plaintiff

Civil Action case No. 2:14-cv-104

vs.

Judge Edmund H. Sargus Jr.

vs. LISA HOWARD "et al"
Defendants,

Magistrate Judge Elizabeth P. Deavers

Amended Complaint

Jurisdiction and Venue

① This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of the rights secured by the Constitution of the United States. The Court has jurisdiction, under 28 U.S.C. section 1331 and 1331 (A) (3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. section 2201 and 2202. Plaintiff's claim's for injunctive relief are authorized by 28 U.S.C. section 2283 ; 2284 and Rule 65 of the Federal Rules of Civil Procedure.

The Southern District of Ohio Eastern Division is an appropriate venue under 28 U.S.C. section 1391 (b) (2) because it is where the events giving rise to this claim occurred.

Plaintiff

3# Plaintiff Terry Tyrone Pullen Jr., is and was at all times mentioned herein a prisoner of the State of Ohio in the custody of the Ohio Department of ~~Rehabilitation~~ and Correction. He is currently confined in Southern Ohio Correctional Facility phone # (740) 259-5544

Defendant's

4# Defendant: Gary C. Mohr is the Director of the State of Ohio Department of ~~Rehabilitation~~ and Correction. He is legally responsible for the overall operation of Correctional Reception Center and each institution under his Department jurisdiction including C-R-C.

5# Defendant: Rhonda Richard is or was the Warden of Correction Reception Center. She is legally responsible for the operation of Correctional Reception Center and for the welfare of the inmates in that prison.

6# Defendant: Lisa Howard is a Correctional Officer of the Ohio Department of ~~Rehabilitation~~ and Correction who, at all times mentioned in this complaint held rank of "Correctional Officer" and was assigned to C-R-C.

7# Defendant: Andrew Fultz is a Correctional Officer of the Ohio Department of ~~Rehabilitation~~ and Correction who, at all times

mentioned in this complaint held rank of "Correctional Officer" and was assigned to CRE.

8# Defendant: Kinton Hill is a Correctional Officer of the Ohio Department of Rehabilitation and Correction who, at all times mentioned in this complaint held rank of "Correctional Officer" and was assigned to CRE.

9# Defendant: Anthony Russell is a Correctional Officer of the Ohio Department of ~~Correctional~~ Rehabilitation who, at all times mentioned in ~~the~~ this complaint held rank of "Correctional Officer" and was assigned to CRE.

10# Defendant: Nathan A. Harris is a Correctional Officer of the Ohio Department of Rehabilitation who, at all times mentioned in this complaint held rank of "Correctional Officer" and was assigned to CRE.

11# Defendant: David L. Bispress is a Correctional Officer of the Ohio Department of Rehabilitation who, at all times mentioned in this complaint held rank of "Correctional Officer" and was assigned to CRE.

12# Defendant: Gleason is a Correctional Officer of the Ohio Department of Rehabilitation who, at all times mentioned in this complaint held rank of "Correctional Officer" and was assigned to CRE.

13# Defendant: Newsome is a Correctional Officer of the Ohio Department of Rehabilitation who, at all times mentioned in this complaint held rank of "Correctional Officer" and was assigned to CRE.

⑭#

Defendant: Crystal Murphy is a Correctional Officer of the Ohio Department of Rehabilitation and Correction who, at all times mentioned in this complaint held rank of ~~correction~~ Lieutenant and was assigned at CRC.

⑮#

Defendant: Church is a Correctional Officer of the Ohio Department of Rehabilitation and Correction who, at all times mentioned in this complaint held the rank of Lieutenant and was assigned at CRC.

⑯#

Defendant: B. Murphy is a Correctional Officer of the Ohio Department of Rehabilitation and Correction ~~who~~ ^{who} at all times mentioned in this complaint held the rank of "Correctional Officer" and was assigned at CRC.

⑰#

Defendant: C. Ashley is a Correctional Officer of the Ohio Department of Rehabilitation and Correction who, at all times mentioned in this complaint held the rank of "Correctional Officer" and was assigned at CRC.

⑱#

Defendant: Costellino is a Mental Health Liaison of the Ohio Department of Rehabilitation and Correction who, at all times mentioned in this complaint held the job position of "Mental Health Liaison" and was assigned at CRC.

⑲#

Each defendant is sued individually and in "his/her" official capacity, at all times mentioned in this complaint each defendant acted under the color of State law.

⑳#

Facts

On 7/9/13 between the time of 7:00 am and 8:00 pm while headed to my cell #1014 after returning from Pled Bay along with other inmates

And C/O Howard when C/O Howard called me to come back into the salleyport in B-1, so i followed her orders.

21# As i approached C/O Howard she asked me, "What was i doing"? then stepped aside for me to enter into the salleyport.

22# As soon as i cleared the doorway C/O Howard hooked her left arm into my left arm, bided the door shut then started screaming while hitting her mandown button!

23# At that time i asked C/O Howard, "are you forreal"? then turned to my rightside so that i was facing the enter window inside the salleyport looking into B-1 from inside of the salleyport so the camera that's mounted above cell #1018 and between the top range which is above cell #1018 facing the salleyport, could view me along with C/O Howard.

24# I was in plain view of the inmate's housed in the bed area as well as C/O Fultz who was seated at the C/O's desk speaking with a inmate when he turned in his chair at the sound of the signal 3 or C/O Howard voice.

25# At that time i was going down to one knee due to C/O Howard biding me in the back of my left knee while still holding on to my left arm while trying to pull me away from the window.

26# C/O Fultz then jumped of his chair ran to the salleyport as he was coming through the doorway i was getting to the floor at that

Sometime C/o Howard threw herself into the opposite salleyport window inside facing the yard in front of B-1 outside.

27# While i was on the floor C/o Fultz started punching me in the rightside of my face so i curled up into the fetus position leaving only the rightside of my face exposed to him so he started kicking me.

28# Then the door to the salleyport opened from inside of B-1 at that time C/o K. Hill enter the salleyport and begin kicking and punching me along with C/o Fultz.

29# Then the door leading into B-1 salleyport from outside opened at that time C/o ~~Newsome~~ ^{Harris}, C/o Bispress and C/o Russell enter into B-1 salleyport and started kicking and punching me as C/o Russell twisted my ankles and bend my legs in attempt to break them while someone held me down by pressing down on my back.

30# This went on for 5 mins or longer then i heard C/o Howard tell them, "Stop guys they are coming"!!

31# At that time i was placed in handcuffs and ankleshackles by C/o's then stood up.

32# While C/o Hill and C/o ~~Newsome~~ ^{Harris} held me to the wall, C/o Bispress punched me four time's in the face telling me to go to sleep! After the fourth punch i was led outside by C/o Newsome and C/o Bispress while the whole time Lieutenant Murphy watched.

33# While I was being escorted to Seg. by C/o Newsome, C/o Gleason and C/o Harris these officers started bending my hands towards the inside of my wrists to the point my finger tips were touching the inside of my upper wrist while they tighten the handcuffs as far as they could cutting into my wrist, while C/o Gleason bend my thumbs in the opposite direction in ways that caused so much pain I fell to my knee's inbetween B-2 and B-3.

34# At that time C/o Harris and C/o Newsome along with C/o Bispress lifted me up to my feet telling me how their going to cause me even more pain once they get me to ~~Segregation~~ C-1 Segregation.

35# Once I got into Segregation C-1 through the salleyport the C/o's that escorted me to Segregation C/o Harris, C/o Newsome and C/o Gleason in the presence of Lieutenant Church slammed me into the wall face first then C/o B. Murphy and C/o C. Ackley took over my escort onto the S/C range in C-1 Segregation.

36# Once C/o C. Ackley and C/o B. Murphy escorted me through the S/C range door both officers in the presence of Lieutenant Church slammed me face first into the floor and started punching and kicking me telling me they'll "kill me in here"!

37# Then Lieutenant Church told them that was enough place him in the strip cage.

38# After I was in the strip cage, maybe 15 min's later the nurse came to ask me some question. She looked at my hands and wrist

wrist which my wrist were cut and bleeding due to the Clo's that escalated me to C-1 Segregation from B-1 fighting the handcuffs as tight as they would go while bending my wrist to add more pressure. B.N. S. Marietta said all I needed was a bandaid!

(39)# Then L.T. Murphy came to take pictures of my injuries to my face and wrist.

(40)# Later that night I was transported to Pickaway Correctional Institution "P.C.I." no pictures were taken of me there, but the Nurse did ask me the regular intake question.

(41)# While at P.C.I. I was unable to eat for three days to my jaw being so sore and swollen.

(42)# My ~~first~~ ^{second} day's the staff from C.R.C. came to P.C.I. for my R.I.B. hearing which they found me guilty of rule's 3, 12A, 14 and 20. I asked about the D.V.E. videotape I was told "They don't use videotapes in R.I.B." I was giving an appeal form and told it will do me no good!

(43)# Then two days later I was transferred to Southern Ohio Correctional Facility where I later learned that I was raised to the highest level on the Mental Health case load which is a "C-1" Mental Health patient by ~~my Mental Health~~ Liaison Mr. Castellino.

(44)# Exhaustion OF Legal Remedies

Plaintiff Terry Tyrone Pullen Jr. used the prisoner grievance procedure's available at Southern Ohio Correctional Facility and mailed V.I.A

U.S. Mail these forms which make up the grievance procedure to Corrections Reception Center in attempt to solve the problem

(45)# On 7/23/13 I mailed U.I.A U.S. Mail a Informal Complaint Resolution concerning Excessive force used on me by Correctional officer's at CRC to the Inst. Investigator, Inst. Inspector and Warden Richard ~~who~~ ^{who} response was Use of Force will be done and the investigation was petive.

(46)# On 9/17/13 I filed an Notification of Grievance with the Inst. Inspector at CRC U.I.A U.S. Mail my grievance was denied by Inst. Inspector at CRC.

(47)# On 10/16/13 I filed a appeal to the Chief Inspector of "ODRC" U.I.A U.S. Mail I received my appeal back with no response which was write on regular ~~on~~ writing paper.

(48)# Then the Inst. Inspector here at SOCF sent me an appeal form so on the 2nd of November 2013 I mailed U.I.A U.S. Mail another appeal to Chief Inspector of "ODRC" along with the Inst. Inspector of CRC disposition, my copy of ~~my~~ the N.O.G form CRE-09-13-59 and a copy of my I.C.R form. I never received an response or got any of the documents back from the Chief Inspector Office.

(49)# I'm sending the I.C.R form, Appeal ~~form~~ I mailed out on 10/16/13 also the appeal form I mailed out 11/2/13 as well as the Radiology Result Report Expiration Date 7/16/13, D.V.R Camera view's are being held by Assistant Prosecuting Attorney of Pickaway County Mrs. Jayme Hartley Fountain (0081415)

The forms are attached at Exhibit A, B, C and D.

Legal Claims

④# Plaintiff realleges and incorporates by reference paragraphs 1-42.

⑤# Defendant C/O Lisa Howard used excessive force against Plaintiff Terry Tyrone Pullen Jr., by hooking her arm into his, kicking him in the left knee when Pullen Jr. was not violating any prison rule's, and was not acting disruptively. Defendant Lisa Howard's actions violated Plaintiff Terry Tyrone Pullen Jr. rights under the Eighth Amendment to the U.S. Constitution, and caused Plaintiff Pullen Jr. pain, ~~suffering~~^{suffering}, physical injury and emotional distress.

⑥# Defendant C/O Andrew Fultz used excessive force against Plaintiff Pullen Jr. by punching and kicking him while he was already in submission on the floor on hands and knees violating no prison rule's, and was not acting disruptively. Defendant Fultz actions violated Plaintiff Pullen rights under the Eighth Amendment to the U.S. Constitution, and caused Plaintiff Pullen pain, ~~suffering~~^{suffering}, physical injury and emotional distress.

⑦# Defendant Clinton Hill used excessive force against Plaintiff Terry Tyrone Pullen Jr. by kicking and punching him while he was not violating any prison rule, and was not acting disruptively. Defendant Clinton Hill actions violated Plaintiff Pullen rights under the Eighth Amendment to the U.S. Constitution, and caused Plaintiff Pullen pain, ~~suffering~~^{suffering}, physical injury and emotional distress.

52# Defendant Anthony Russell used excessive force against Plaintiff Terry Tyrone Pullen Jr. by twisting and bending his leg's and ankles in an attempt to break them when he was not violating any prison rule, and was not acting disruptively. Defendant Anthony Russell actions violated Plaintiff Pullen Jr. rights under the Eighth Amendment to the U.S. Constitution, and caused Plaintiff Pullen pain, suffering, physical injury and emotional distress.

53# Defendant David L. Bispress used excessive force against Plaintiff Terry Tyrone Pullen Jr. by punching him in the face 4 times while held against the Fire Exit door by other C/O's. When Pullen Jr. was not violating any prison rule, and was not acting disruptively, Defendant David L. Bispress actions violated Plaintiff rights under the Eighth Amendment to the U.S. Constitution, and caused Plaintiff Pullen Jr. pain, suffering, physical injury and emotional distress.

54# Defendant Nathan A. Harris used excessive force against Plaintiff Terry Tyrone Pullen Jr. by kicking and punching him in B-1 Solleyport then twisting his wrist and tightening the handcuff on his left wrist to the point they cut into his wrist while bending hands which caused unimaginable pain and slamming his head into the wall face first in Seg. When Pullen Jr. was not violating any prison rules or acting disruptively, Defendant C/O Nathan A. Harris actions violated Plaintiff Terry Tyrone Pullen Jr. rights under the Eighth Amendment to the U.S. Constitution and caused Pullen Jr. pain, suffering, physical injury and emotional distress.

55# Defendant Newsome used excessive force against Plaintiff Terry Tyrone Pullen Jr. by twisting his right wrist and tightening the handcuff to the

point they cut into his wrist, bending his hands which caused unimaginable pain. Slamming his head into the wall free first in Seg. and kicking and punching him on the S/C range when Pullen was not violating any prison rules or acting disruptively, Defendant Newsome actions violated Plaintiff Pullen Jr. rights under the Eight Amendment to the U.S. Constitution and caused Pullen Jr. pain, suffering, physical injury and emotional distress.

56# Defendant U. Glenson used excessive force by twisting thumbs in direction that caused unimaginable pain and kicking and punching him while on the S/C range when Plaintiff was not violating any prison rules or acting disruptively, Defendant Glenson actions violated Plaintiff rights under the Eight Amendment to the U.S. Constitution and caused Pullen Jr. pain, suffering, physical injury and emotional distress.

57# Defendant C. Aubley used excessive force ~~by~~ ^{against} Plaintiff Terry Tyrone Pullen Jr. ~~by~~ ^{by} slamming him on the floor on the S/C range in Seg. Area first then punching and kicking him when Pullen Jr. was not violating any prison rules or acting disruptively, Defendant C. Aubley actions violated Plaintiff Pullen rights under the Eight Amendment to the U.S. Constitution and caused Pullen Jr. pain, suffering, physical injury and emotional distress.

58# Defendant B. ~~Roberts~~ ^{Murphy} used excessive force against Plaintiff Terry Tyrone Pullen Jr. by slamming him on the floor on the S/C range in Seg. Area first then punching and kicking him when Pullen Jr. was not violating any prison rules or acting disruptively, Defendant B. ~~Roberts~~ ^{Murphy} actions violated Plaintiff Pullen Jr. rights under the Eight Amendment to the U.S. Constitution

and caused Pullen Jr. pain, suffering, physical injury and emotional distress.

59# Defendant Crystal ~~Worthington~~^{Murphy} by witnessing Defendants C/o Fultz, C/o Hill, C/o Harris, C/o Rispess and C/o Russell illegal action, feeling to correct that misconduct, and encouraging the continuation of the misconduct, Defendant Crystal Murphy also violated Plaintiff Pullen Jr. rights under the Eighth Amendment to the United States Constitution and causing Plaintiff Pullen Jr. pain, suffering and physical injury and emotional distress.

60# Defendant Michael Church by witnessing Defendants C. Aukley, B. Murphy, C/o Harris, C/o Newsome and C/o Gleason illegal action, feeling to correct that misconduct, and encouraging the continuation of the misconduct, Defendant Michael Church is also violating Plaintiff Pullen's rights under the Eighth Amendment to the U.S. Constitution and causing Plaintiff Pullen Jr. pain, suffering and physical injury and emotional distress.

61# Defendant Castellino by making Plaintiff Terry Tyrone Pullen Jr. a C1 the highest level of a mental health patient in the "ODRC" system when Pullen Jr. has never showed the behavior that one is labeled as a C-1 displays to be considered as a C1 while in the "ODRC" system or was Pullen Jr. a C1 while at CRC once he arrived at CRC from Montgomery County Jail, Defendant Castellino is also violating Plaintiff Pullen Jr. ~~rights~~^{Due Process Rights} under the Fourteenth Amendment to the U.S. Constitution and causing Plaintiff Pullen Jr. pain, suffering, physical injury and emotional distress.

⑥#

Defendant Ronda Richard by failing to have cameras installed in B-1 Salleyport which would've deterred the named Defendants from violating Plaintiff Pullen Jr. rights with excessive force and failure to supervise or lack in training, having knowledge of Co Harris being a violent officer towards prisoners, Defendant Warden Ronda Richard is also violating Plaintiff Pullen Jr. rights under the Eighth Amendment to the U.S. Constitution and caused Plaintiff Pullen Jr. pain, suffering physical injury and emotional distress.

⑥#

Defendant Gary C. Mohr Director of Ohio Department of Rehabilitation and Correction by failing to have cameras installed in all ~~cell blocks~~ ~~that house~~ ~~all inmates~~ Salleyports ~~at all~~ Salleyports leading into Housing Blocks such as A1 and B2, A1 and A2, A3 and A4, B1 and B2, B3 and B4 C1 and C2, D1 which would've deterred the named Defendants from violating Plaintiff Pullen Jr. rights with excessive force, is also violating Plaintiff Pullen Jr. rights under the Eighth Amendment to the U.S. Constitution and causing Plaintiff Pullen Jr. pain, suffering, physical injury and emotional distress.

⑥#

Plaintiff Terry Tyrone Pullen Jr. has no plain, adequate or complete remedy at law to redress the wrong described herein. Plaintiff will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which plaintiff seeks.

Prayer For Relief

⑥#

Granting Plaintiff Pullen Jr. declaration that the acts and

Omissions described herein violate his rights under the Constitution and laws of the United States, and

66# A preliminary and permanent injunction ordering Gary C. Mohr and "ODRC" to have cameras installed in every hallway at CRC that house inmates these hallways lead in and out of housing units, dining Hall, Gymnasium and school/church. ~~Plaintiff~~ Defendants/ODRC order SOCF to transfer Plaintiff to another prison under his jurisdiction that house level-4 inmates due to family and friends of named defendants working at SOCF. Fired from ODRC C/O Lisa Howard, C/O Andrew Fultz, C/O Clinton Hill and Nathan A. Harris.

67# Compensatory damages in the amount of \$25,000⁰⁰ against each defendant, jointly and severally.

68# Punitive damages in the amount of 75,000⁰⁰ against each defendant.

69# A jury trial on all issues triable by jury.

70# Plaintiff's cost in this suit.

71# Any additional relief this court deems just proper and equitable.

Date: _____

Respectfully Submitted

By: Terry Tyrone Pullen Jr. # 686-539

Terry Tyrone Pullen Jr. # 686-539

Pro-Se

SOCF - J4 cell #36

P.O. Box 45699

Lucasville, Ohio 45699

Verification

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Lucasville, Ohio on

Signature: Mr. Jerry Wayne Pullen Jr. # AL686-539